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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,760	05/31/2001	Sean M. McCullough	VIGN1260-1	6413
25094	7590	07/19/2005	EXAMINER	
DLA PIPER RUDNICK GRAY CARY US, LLP 2000 University Avenue E. Palo Alto, CA 94303-2248			PATEL, ASHOKKUMAR B	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/681,760

Applicant(s)

MCCULLOUGH, SEAN M.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11 and 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/24/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-22 are subject to examination. Claims 3 and 12 are cancelled.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1, 12, 20, 28 and 38 have been considered but are moot in view of the new ground(s) of rejection.
3. Examiner would like to thank the Applicant for proving the following explanation about meta tag. "A meta tag is meta data. (See Paragraph (0026)) More specifically, according to [www.webopedia.com](http://www.webopedia.com) the definition of a meta tag (attached as Exhibit A) is a special HTML tag that provides information about a Web page. Unlike normal HTML tags, meta tags do not affect how the page is displayed. Instead, they provide information such as who created the page, how often it is updated, what the page is about, and which keywords represent the page's content. Many search engines use this information when building their indices."

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-11 and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parekh et al. (hereafter Parekh) (US 6, 757, 740) in view of Sathyanarayan (US 6, 691, 106 B1) and further in view of Applicant's Admitted Prior Art (AAPA) (paragraph [0026] of Specification)

**Referring to claims 1 and 9,**

Parekh teaches a method of profiling a user (Fig. 13) comprising:

accessing first data (col. 15, lines 61-64) including a first identifier for the user, network addresses accessed by the user, and temporal information related to the user identifier and the network addresses (col.15, lines 65 through col.16, line 1), wherein the first data is determined at a location remote from the user (col.16, lines 1-6, lines 8-15);

generating a user profile based at least in part on the first identifier, corresponding category information, and at least some of the temporal information (col.15, lines 65 through col.16, line 1, col.16, lines 24-28, Note." This profile is stored as a series of preferences for or against predetermined categories.)

Parekh fails to teach accessing second data at a second location remote from the user and the network addresses. wherein accessing the second data further comprises sending at least some of the network addresses to the second location and receiving corresponding category information for each of the at least some network addresses, the corresponding category information including at least one meta tag.

Sathyanarayan teaches in col. 5, line 4-16, line 35-37 " The user profile 140 is initially constructed by having the profile agent 200 visit the cookie and bookmarked web sites stored on the user's PC. The profile agent 200 may use the relevance engine

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110 (Evaluator Toolkit) to parse the cookie and bookmarked web sites stored on the user's PC for keywords and collects the details about the Web pages (including its URL address, location name, title, top keywords from the Web page, links from the Web page). The keywords from the web sites are matched against different profile categories created earlier to determine relevance (closeness of match) to each category. When a match is found, the user's interest level for the profile is incremented. " and "4) top categories of interest (categories with high user interest count based on the processing described above." (category information including at least one meta tag).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to use the teachings of Sathyanarayan (keywords and the details about the Web pages (including its URL address, location name, title, top keywords from the Web page, links from the Web page)) be a part of Parekh's profile which is stored as a series of preferences for or against predetermined categories such that user's top categories of interest can be determined by matching the key words (meta tags) of the web sites.

However, Parekh and Sathyanarayan (although it teaches the use of meta tag in user's profile for determining the user's top categories of interest) both fail to teach accessing second data at a second location remote from the user and the network addresses, wherein accessing the second data further comprises sending at least some of the network addresses to the second location and receiving corresponding category information for each of the at least some network addresses, the corresponding category information including at least one meta tag.

AAPA teaches " The data for the second table may reside in the storage device 18 or, alternatively, may reside within a database at an external location of a third party (not shown). For example, the second table may be part of the Netscape Open Directory Project or may be provided by Looksmart, Ltd. of San Francisco, California. Either of these third-party sources may provide a categorization of each Internet site. The categorization may be in the form of meta tags, which are metadata that correspond to the network addresses. Skilled artisans may realize that meta tags are used by search engines, such as Yahoo !, Lycos, Excite, and the like in performing user specified searches for information." (paragraph [0026] of Specification) (accessing second data at a second location remote from the user and the network addresses, wherein accessing the second data further comprises sending at least some of the network addresses to the second location and receiving corresponding category information for each of the at least some network addresses, the corresponding category information including at least one meta tag, and accessing the second data comprises accessing the corresponding category information from a third-party source; and the corresponding category information includes meta tags for the network addresses)

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to use AAPA's the readily available third party databases which are able to provide a categorization of each Internet site wherein The categorization may be in the form of meta tags, which are metadata that correspond to the network addresses with the combined system of Parekh and Sathyanarayan such

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that user's top categories of interest can be determined by matching the key words (meta tags) of the web sites.

**Referring to claim 2,**

Parekh teaches the method of claim 1, wherein generating the user profile comprises:

creating a table that includes a first column for user identifiers including the first identifier, a second column for the corresponding category information, and a third column for the at least some of the temporal information ((col.15, lines 65 through col.16, line 1, col.16, lines 1-28);

comparing data for the user (col. 16. lines 46-48, "Again though, the server 80 looks in the geography database 84A and determines that he is from Atlanta, Ga.) within the table to existing profiles including a first profile, and associating the user with the first profile. (col.16, lines 46-57)

**Referring to claim 4,**

The reference teaches the method of claim 1, further comprising:

selecting a first marketing information regarding an item, wherein selecting is based at least in part on the user profile; and

sending the first marketing information to the user (col.16, lines 46-57).

**Referring to claim 5,**

The reference teaches the method of claim 4, wherein:

selecting is performed by a network access provider; and the first marketing information includes a banner advertisement that is to be displayed near a periphery of a view (col.

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3, lines 36-41, "The web sites can selectively deliver content or advertising based on the geographic location of its visitors. The geographic location information can also be used in the routing of Internet traffic. A traffic manager associated with a number of web servers detects the geographic locations of its Internet visitors and routes the traffic to the closest server.")

**Referring to claim 6,**

The reference teaches the method of claim 4, wherein:

at least one of the network addresses corresponds to a network site is owned or controlled by a company that sells the item; and the first marketing information comprises an offer to sell the item. (col.16, lines 29-65)

**Referring to claim 7,**

The reference teaches the method of claim 4, wherein:

selecting comprises selecting the first marketing information and a second marketing information; and

the method further comprises applying a filter, wherein: the second marketing information is filtered out and the first marketing information passes; and applying the filter is performed before sending. (col.16, lines 29-65)

**Referring to claim 7,**

The reference teaches the method of claim 1, further comprising selling the user profile. (col.14, lines 22-26, "The geographic information can also be analyzed to effectively market the site to potential Internet site advertisers and external content providers or to



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provide media-rich content to users that have sufficient bandwidth.”, note: This implies that the user profiles are sellable.)

**Referring to claim 10,**

Claim 10 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claim 1. Therefore, claim 10 is rejected for the reasons set forth in above paragraph for claim 1.

**Referring to claim 11,**

Claim 11 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claim 2. Therefore, claim 11 is rejected for the reasons set forth in above paragraph for claim 2.

**Referring to claim 13,**

Claim 13 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claim 4. Therefore, claim 13 is rejected for the reasons set forth in above paragraph for claim 4.

**Referring to claim 14,**

Claim 14 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claim 5. Therefore, claim 14 is rejected for the reasons set forth in above paragraph for claim 5.

**Referring to claim 15,**

Claim 15 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claim 6. Therefore, claim 15 is rejected for the reasons set forth in above paragraph for claim 6.

**Referring to claim 16,**

Claim 16 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claim 7. Therefore, claim 16 is rejected for the reasons set forth in above paragraph for claim 7.

**Referring to claim 17,**

Claim 17 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claim 8. Therefore, claim 17 is rejected for the reasons set forth in above paragraph for claim 8.

**Referring to claim 18,**

Claim 18 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claim 9. Therefore, claim 18 is rejected for the reasons set forth in above paragraph for claims 1 and 9.

**Referring to claims 19 and 20,**

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Parekh teaches the method of claim 2, wherein comparing data for the user within the table to existing profiles includes performing click stream analysis, and wherein comparing data for the user within the table to existing profiles includes:

applying data mining rules to the data for the user to determine characteristics of the user; and comparing the characteristics of the user to characteristics included in the existing profiles. (col.15, lines 61 through col. 16, line 1,"In general, the profile server 80 and profile discovery server 90 gather information about specific IP addresses based upon the Internet users' interactions with the various web sites 60 and other requestors 40. This information includes, but is not limited to, the types of web sites 60 visited, pages hit such as sports sites, auction sites, news sites, e-commerce sites, geographic information, bandwidth information, and time spent at the web site 60.", col.16, lines 29-57, Note: As it is known, data mining actually discovers useful patterns and relationships within data.)

**Referring to claims 21 and 22,**

Claims 21 and 22 are claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system to cause the data processing system to perform methods of claims 19 and 20. Therefore, claims 21 and 22 are rejected for the reasons set forth in above paragraph for claims 19 and 20.

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

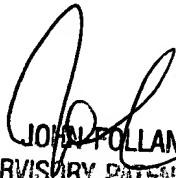
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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